

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 129 OF 2005

IN

FIRST APPEAL NO. 104 OF 2005

MR. VISHWAS Y.VAIGANKAR AND ANR., ...Applicants

Versus

MRS. HELENA MASCARENHAS E SOUZA Respondents
TICLO AND ANR.,

Mrs. Asha A. Desai, Advocate for the applicants.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Vinod Korgaonkar,
Advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 1st September, 2005

P.C.

Heard Ms. A. Dessai, the learned Counsel for the applicants and
Mr. J. E. Coelho Pereira, the learned Senior Counsel for the respondents.

2. The ad interim order passed by this Court on 10/08/2005 is
modified and it is directed that the following interim order shall remain
operative until the hearing and final disposal of the first appeal :

- (i) The applicant shall deposit with the Registrar of this Court
a sum of Rs.4,00,000/- in two instalments; first instalment
of Rs.2,00,000/- on or before 15th October, 2005 and the
second instalment of Rs.2,00,000/- on or before 30th
November, 2005.

- (ii) The amount so deposited by the applicants are permitted to be withdrawn by the respondents-decree holders on their furnishing Bank Guarantee or solvent surety to the satisfaction of the Registrar for restitution of the amount to the applicants in the event of their succeeding in the appeal.
- (iii) If no such Bank Guarantee or the solvent surety is furnished by the respondents to the satisfaction of the Registrar by 30/12/2005, the Registrar shall invest the said amount in fixed deposit in any Nationalised Bank, initially for a period of 2 years, renewable thereafter for the same period every time, until disposal of the appeal.
- (iv) On the respondents furnishing an undertaking before this Court within two weeks from today that they would restitute the amount of monthly compensation that may be paid by the applicants during the pendency of the appeal on their succeeding in the appeal, the applicants are directed to pay to the respondents a monthly compensation of Rs.9,000/- per month by way of account payee cheque from the month of September, 2005. The compensation at the rate of Rs.9,000/- per month for the month of September, 2005 shall be paid by the applicants to the respondents on or before 15th October, 2005 and for the subsequent months on or before 15th of each succeeding month.

Upon compliance of the aforesaid conditions by the applicants, they shall not be evicted from the subject-property.

R. M. LODHA, J.